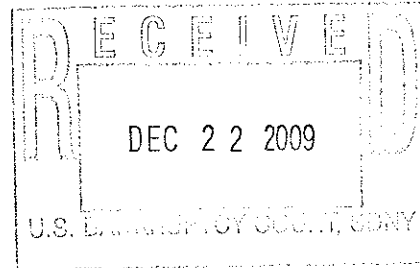


Clerk of the United States Bankruptcy  
Court for the southern District of NY  
One Bowling Green  
New York, New York  
10004

David Williams  
11326 47<sup>th</sup> Ave., SE  
Everett, WA  
98208  
(425)342-7452  
(425)270-4751

And

Irving H. Picard, Esq.  
Trustee for Bernard L. Madoff Investment Securities LLC  
c/o Baker & Hostetler LLP  
Attn: Claims Dept.  
45 Rockefeller Plaza  
New York, New York, 10111



Dec. 16, 2009

Dear Mr. Clerk:

This letter is an appeal to the decision of Irving H. Picard, Trustee for the Liquidation of the Business of Bernard Madoff, made Dec. 8, 2009 and sent to David Williams and David Williams for Benefit of Samuel and Jonathon Williams (letter from Picard enclosed). I am opposing that decision referencing bankruptcy case No. 08-1789 (BRL).

I have the unfortunate experience of finding myself invested in the Bernard L. Madoff funds through placement by Feeder funds. The Feeder Funds, Edison, Fairfax, Santa Barbara, and Santa Clara are part of the Fix Asset Management family. The first three of these funds were placed by the agent/representative Capital Management Partners, 2280 West Tyler Street, Suite 105, Fairfield, Idaho, 52556, (641)472-8800. The latter fund, Santa Clara, was placed by agent/representative Jay Tausche, Nauticus Funds, 225 North Market Street, (Suite 333), Wichita, KS 67202, (316)267-9227 or (316)461-1749—Mobile. The following details list the losses incurred by these funds due to the Madoff theft (refer to attachments):

Santa Barbara:  $\$108,503.82 \times -100\% = -\$108,503.82$   
Fairfax Fund:  $\$71,988.44 \times -65.52\% = -\$47,166.83$   
Edison Fund:  $\$75,515.04 \times -71.09\% = -\$53,683.64$   
Santa Clara:  $\$27,214.23 \times -49.20\% = -\$13,388.91$

Total Loss =  $-\$222,743.20$

I also hold a position in the Remington York FTSE 25 Fund of \$88,000 (which is currently frozen according to the management due to legal investigations). In 2007, I

sent a further \$199,139 to Yorkshire Management (843-689-2882), 301 Central Ave., No. 343, Hilton Head Island, SC, 29926-1638, USA, to hold until further direction.

These transfers were confirmed by a Mr. Ross Pascal at Remington York as arriving and invested in Yorkshire Management. On March 9, 2009 Mr. Pascal informed me that 2 associate companies under Remington York (Yorkshire Management and Yorkshire Derivative) went insolvent due to a position they had with Auriga, "Auriga International Advisors had apparently also been fully invested in the Fairfield Sentry Fund, which in turn was 100% invested in Madoff. Jacques Rauber of Auriga stated that neither he nor anyone else in the company had any idea of the association with Madoff via Fairfield."

Therefore, my total claim is  $\$222,743.20 + \$88,000 + \$199,139 = \$509,882.20$

In regards to the Investor's money first going through a broker or agent, then Management company, then Feeder Fund, to ultimately rest with Bernard Madoff Investments, Ltd.; this should be inconsequential to the substance of the matter which is the fact that it is the capital of the Investor that is ultimately lost. After all, it is the Investor who is the beneficial owner and not these middle men who simply collect fees while routing the funds to the ultimate investment. For this reason, the insurance must be considered to apply to the true victim and not the agent who has no capital or interest at risk. To do otherwise, would once again turn a cold shoulder to justice in avoiding the substance of the matter in favor of a trivial technicality. It is also worth noting that the regulating authorities, like the SEC, etc. did not investigate Madoff, even when reports to do so were filed for years (at least 4 times by one competitor to Madoff as reported widely in major media)? So, once again this fraud by a well connected insider, Madoff, seems to be well accommodated by what should be the regulators like the SEC. Therefore, further nonperformance by not distributing the property reclaimed from Madoff to its rightful owners and not making insurance reparations would be in keeping with "the fox being in charge of the hen house". If the devastation to the victims is skirted by institutions that should be their champion, then the only recourse is to thoroughly investigate those institutions for collusion/corruption or, in the alternate, incredible incompetence and nonperformance.

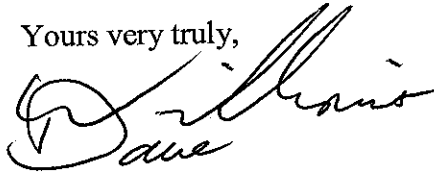
There also seems to be much lacking in duty of care and due diligence with respect to the Management companies and their agents, the Feeder Funds, and the big accounting firms who did annual audits. The avenues of possible recourse for investors have been closed by the management of the firm, closing office and putting the corporations into liquidation (while scurrying away with high fees they collected from the well planned Ponzi scheme).

Furthermore, the Liquidators—such as Kinetic Partners (Cayman) Ltd. for the Santa Barbara Fund (with conflicts of interest) also confirm they have no intention of filing a SIPIC claim due to their own interests and those of clients in the funds who require secrecy, tax avoidance, claw back avoidance, etc. Management of Feeder Funds are also in similar positions and often offshore entities and have no reason to file a SIPIC claim as

it is their investors who are hurt, not them, and they have conveniently closed up shop. Therefore, there are no redundant claims and they have essentially removed themselves as priority claimants (also having no substance or risk in the investment anyway). I trust that you will not carry forward an injustice to me by not processing my claim due to the independent and untoward actions of these parties who you have seeded as a priority to my claim.

In closing, it does not appear to me that the 40 billion dollars that is lost to financial fraud in the USA, annually, can be sustained by hard working investors. If nothing else, the investor will look elsewhere to avoid thoroughly corrupt governments and investment arenas. If some effort is not put into counteracting this domestic outflow, there may be many more cases like Bernard Madoff willing to gamble with lax punishments. It is not lost on even the casual observer that the Banks, Auto Industry, Insurers and other hard lobbyists are being bailed out with tax payer funds for situations that are largely of their own making, while the tax paying public is going completely unrepresented in support for an attack by an establishment insider like Madoff, when these investors are, instead, innocent victims.

Yours very truly,

A handwritten signature in black ink, appearing to read "David Williams". The signature is fluid and cursive, with the first name "David" written in a larger, more prominent script than the last name "Williams".

David Williams